

**JACOBSON, RUSSELL, SALTZ, NASSIM & DE LA TORRE, LLP**

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL JOHNSON,

Plaintiff,

vs.

ON-SITE MANAGER, INC.,

Defendant.

Case No.: 5:15-CV-04409-BLF

**DECLARATION OF KATINA L. CASKEY  
IN SUPPORT OF DEFENDANT ON-SITE  
MANAGER, INC.'S MOTION FOR  
SUMMARY JUDGMENT**

**Complaint filed: September 23, 2015**

**First Amended**

**Complaint filed: January 5, 2016**

**Trial Date: January 8, 2018**

**Hearing Date: August 24, 2017**

**Time: 9:00 a.m.**

**Courtroom.: 3**

**Judge: Hon. Beth Labson  
Freeman**

**DECLARATION OF KATINA L. CASKEY**

I, Katina L. Caskey, do declare:

1. I am an individual over the age of eighteen, and if called upon to do so, I could and would competently testify as to the statements and matters set forth herein of my own personal knowledge thereof.

2. I am a Regional Manager for CTL Management, Inc., which manages River Pointe Apartment in Sacramento California ("River Pointe").

3. In or about early June 2015, Michael Johnson applied to rent an apartment at River Pointe. River Pointe in turn requested a rental-screening report from On-Site in order to determine if Michael Johnson met River Pointe's pre-set rental criteria for leasing an apartment.

4. At no time during the application process did Michael Johnson list on his application, or otherwise inform River Pointe in any manner when submitting his application for an apartment, that he previously resided in an apartment on Hurley Way in Sacramento.

5. Rather, the only prior address that Michael Johnson provided River Pointe to send to On-Site was 2195 Valley Oak Lane, Unit 2084, in West Sacramento California.

6. In or about early June 2015, On-Site provided River Pointe a Report containing consumer information from Experian and LexisNexis to share with Michael Johnson so he could verify the accuracy of the information On-Site received from those sources.

7. River Pointe did not, and does not, make rental decisions based on Reports when the rental applicant indicates there is an issue with the information that is reported, and as such did not rely on any part of said Report to evaluate and make any ultimate decisions as to Mr. Johnson's ability to meet River Pointe's minimum criteria to lease an apartment at River Pointe.

8. Later in June 2015, Michael Johnson gave River Pointe some documents with instructions to send said documents to On-Site challenging certain contents of the Report related to a reported "civil action for possession". River Pointe forwarded those documents to On-Site. Said documentation included rental history records for Michael Johnson showing he previously resided on Hurley Way in Sacramento, California.

9. The very same day River Pointe sent Michael Johnson's documentation to On-Site, On-Site suppressed all landlord-tenant case information from appearing in Michael Johnson's tenant-screening report, and emailed River Pointe the updated Report.

10. The updated Report upon which River Pointe relied in its ultimate determination of whether to rent to Michael Johnson did not contain any record of a "civil action for possession." In fact the said Report specifically states: "There were no previous Landlord Tenant Court records found.". Attached to the Appendix of Exhibits as Exhibit "3" is a true and correct copy of the updated Report

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1 with our own summary analysis of the On-Site said Report on the first page. River Pointe has kept a  
 2 copy of this report in its electronic files as a business record in the ordinary course of business.

3 11. The score calculated for Michael Johnson that is based entirely on River Pointe's own criteria  
 4 indicates that Mr. Johnson failed to meet the following minimum qualifications to be eligible to rent  
 5 at River Pointe: (a) Total monthly income to rent ratio exceeds 3.0; (b) Gross monthly income after  
 6 rent and estimated debt exceeds 40.0% of the monthly income; and (c) Maximum percentage of past  
 7 due negative accounts is less than 25.0%. Notably, River Pointe's own summary on the first page of  
 8 the Final Report indicates that Mr. Johnson passed the qualification for "No Landlord Tenant Court  
 9 records or unpaid landlord collections in the last 7 years."

10 12. Michael Johnson was not declined housing at River Pointe based on a landlord-tenant "civil  
 11 action for possession," and no one at River Pointe ever told Michael Johnson that the ultimate  
 12 decision to decline his application was based thereon. To the contrary, in July 2015, River Pointe  
 13 expressly informed Mr. Johnson that his application was denied because: his monthly income was not  
 14 three-times higher than his anticipated monthly rent, that he had a high debt-to income ratio, and that  
 15 he had a poor credit history.

16 13. In July 2015, River Pointe gave Michael Johnson a copy of his updated Report and an  
 17 Adverse Action Notice expressly informing him that he was denied housing because his income was  
 18 not high enough to qualify for the apartment he was applying for, that he had a high debt-to income  
 19 ratio, and that he had a poor credit history. Specifically, River Pointe emailed Michael Johnson a  
 20 copy of the updated Report upon which its decision was based on July 25, 2015. That report,  
 21 containing the original inquiry date of June 9, 2015, did not include any landlord-tenant case record.

22 14. River Pointe obtained Michael Johnson's income information from Mr. Johnson directly – not  
 23 from On-Site. As such, it was Mr. Johnson's own information that he put in his application that  
 24 primarily disqualified him from being eligible to rent at River Pointe.

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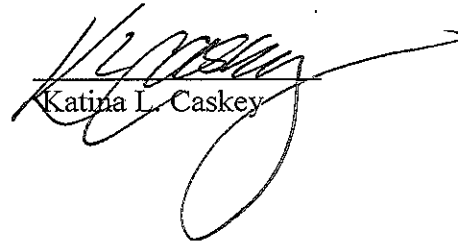
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1 I declare under the penalty of perjury of the United States of America that the foregoing  
2 information is true and correct  
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5 DATED: July 20, 2017

6 By:

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